

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SAMMY R. QUAIR, SR.,

Plaintiff,

v.

DAVE ROBINSON, et al.,

Defendants.

No. 1:21-cv-01214-DAD-EPG (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
THIS ACTION DUE TO PLAINTIFF'S
FAILURE TO PROSECUTE AND FAILURE
TO OBEY A COURT ORDER

(Doc. No. 24)

Plaintiff Sammy R. Quair, Sr. is a state prisoner or pretrial detainee¹ proceeding *pro se* and *in forma pauperis* in this civil rights action under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 1, 2022, the assigned magistrate judge issued findings and recommendations recommending that this action be dismissed due to plaintiff's failure to prosecute and failure to obey a court order. (Doc. No. 24.) In particular, despite receiving several extensions of time in which to respond to the court's screening order dated September 24, 2021 (Doc. Nos. 9, 10, 11, 13, 15, 17, 19, 22), with the latest extension providing a response deadline of February 11, 2022, to date plaintiff has nonetheless failed to respond to the court's screening order as directed. (*Id.* at

¹ Plaintiff is incarcerated in Kings County Jail, but he does not specify in his complaint whether he is a state prisoner or a pretrial detainee.

2.) The pending findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 4.)

On March 21, 2022, plaintiff filed a document that the court construes as objections to the findings and recommendations, even though it is captioned “30-day extension due to poisoning and sickness,” because plaintiff does not request any additional time to respond to the court’s screening order in that document. (Doc. No. 25.) Rather, plaintiff asserts therein that he is being retaliated against for having filed this lawsuit; that he is being poisoned with cyanide apparently by law enforcement, requesting an investigation of the “Portuguese mafia” and “Chinese mafia” for violation of the RICO statute and that the court order an investigation into his poisoning. (*Id.* at 3.) Plaintiff’s assertions do not serve to meaningfully object to the magistrate judge’s findings and recommendations. Moreover, despite the document’s caption, plaintiff does not request additional time to respond to the court’s screening order at all, let alone show good cause for the granting of a further extension of time. Accordingly, plaintiff’s filing provides no basis upon which to reject the pending findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, including plaintiff’s objections, the court concludes that the findings and recommendations are supported by the record and by proper analysis.

Accordingly:

1. The findings and recommendations issued on March 1, 2022 (Doc. No. 24) are adopted in full;
2. This action is dismissed, without prejudice, due to plaintiff’s failure to prosecute this action and failure to obey court order; and
3. The Clerk of the Court is directed to terminate all pending motions (Doc. Nos. 6, 10, 17, 21, 23) and close this case.

IT IS SO ORDERED.

Dated: April 4, 2022


UNITED STATES DISTRICT JUDGE